

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CASE NO. 1:14-CV-954**

**STUDENTS FOR FAIR ADMISSIONS,
INC.,**

Plaintiff,

v.

**UNIVERSITY OF NORTH CAROLINA et
al.,**

Defendants.

**PLAINTIFF'S BRIEF IN SUPPORT OF
MOTION TO FILE UNDER SEAL**

Pursuant to Federal Rule of Civil Procedure 5.2 and Local Rule 5.4, Plaintiff Students for Fair Admissions, Inc. ("SFFA") respectfully files this brief in support of its motion to file certain materials under seal.

NATURE OF THIS MATTER

On October 25, 2017, UNC filed a motion to dismiss the complaint pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure (ECF 106), and an accompanying memorandum (ECF 107). In that motion, UNC challenges SFFA's associational standing. UNC filed a motion to seal (ECF 108) in connection with that motion in order to protect the confidentiality of two items it redacted in its motion and related filings: (1) the identity of Standing

Member #1; and (2) SFFA's response to UNC's Interrogatory No. 5, which requests that SFFA "[i]dentify the name of any Person or entity that has made or provided any form of contribution or donation, whether in the form of cash, property, or other form, to SFFA since its inception." On November 8, 2017, pursuant to Federal Rule of Civil Procedure 5.2 and Local Rule 5.4, SFFA filed a brief in support of that motion to seal (ECF 110). In that brief, SFFA argued why the Court should permanently seal the unredacted versions of the filings containing the identity of Standing Member #1 and/or SFFA's Response to Interrogatory No. 5 (ECF 110).

In its brief in opposition to UNC's motion to dismiss, SFFA naturally makes reference to its standing members and its Response to Interrogatory No. 5. In order to maintain confidentiality consistent with UNC's motion to dismiss, SFFA has redacted all references to the identity of its standing members (including the names of the high schools they attended) as well as its Response to Interrogatory No. 5 and seeks permanent sealing of the unredacted versions of the filings containing those items as well as the declarations of each standing member.

ARGUMENT

SFFA's present motion to seal requests essentially the same relief as sought in SFFA's brief in support of UNC's motion to seal. Accordingly, in

support of this motion to seal, SFFA relies upon and expressly incorporates herein its brief in support of UNC's motion to seal (ECF 110).

CONCLUSION

For the reasons stated herein and in SFFA's brief in support of UNC's motion to seal (expressly incorporated herein), SFFA respectfully requests that the Court grant its motion to file under seal.

Respectfully submitted,

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Dated: November 15, 2017

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing pleading via the Court's electronic filing system, pursuant to the Electronic Filing Procedures, on all attorneys of record who have entered an appearance by ECF in this matter.

This the 15th day of November, 2017.

/s/ Thomas R. McCarthy
Thomas R. McCarthy